

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TIERRA VANCE, individually and on behalf  
of the estate of JULIANNA PEREZ,

Plaintiff,

- against -

CITY OF NEW YORK, MERCY FIRST,  
JOHN B. MATTINGLY, as Commissioner of  
New York City's Administration for  
Children's Services, ARLENE VAUGHAN,  
individually and in her official capacity, and  
LAKEASHA WILLIAMS, individually and in  
her official capacity,

Defendants.  
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No. 09 CV 5372 (RRM) (MDG)

PROPOSED ORDER

Upon the Notice of Motion filed by plaintiff, the affidavit of Sharon Katz, sworn to on  
February 15, 2012 and the accompanying Memorandum of Law;

AND it appearing that an offer to settle this action with respect to the defendants CITY  
OF NEW YORK, MERCY FIRST, JOHN B. MATTINGLY, in his official capacity as  
Commissioner of the Administration for Children's Services, ARLENE VAUGHAN, and  
LAKEASHA WILLIAMS in the amount of Fifty Thousand Dollars (\$50,000) has been extended  
to the plaintiff herein;

AND it appearing to the satisfaction of this Court that there is a good and sufficient  
reason to permit plaintiff TIERRA VANCE, as Administratrix of the estate of JULIANNA  
PEREZ and TIERRA VANCE, individually, to settle and compromise this action as against  
defendants, CITY OF NEW YORK, MERCY FIRST, JOHN B. MATTINGLY, in his official

capacity as Commissioner of the Administration for Children's Services, ARLENE VAUGHAN, and LAKEASHA WILLIAMS.

AND, the Surrogate's Court in and for Kings County in the State of New York, having duly appointed the plaintiff, TIERRA VANCE, as Administratrix of the Estate of JULIANNA PEREZ, on May 11, 2011,

AND, due deliberation having been had hereon.

NOW, on motion of Sharon Katz, an attorney at Davis Polk & Wardwell LLP, attorneys for the plaintiff, it is

ORDERED, that TIERRA VANCE, as Administratrix of the estate of JULIANNA PEREZ, deceased, and TIERRA VANCE, individually, be and hereby is authorized and empowered to settle and compromise all claims and causes of action arising out of the death of, JULIANNA PEREZ, as against the co-defendants CITY OF NEW YORK, MERCY FIRST, JOHN B. MATTINGLY, in his official capacity as Commissioner of the Administration for Children's Services, ARLENE VAUGHAN, and LAKEASHA WILLIAMS, in the sum of Fifty Thousand Dollars (\$50,000), and it is further

ORDERED, that the entirety of the aforesaid settlement of Fifty Thousand Dollars (\$50,000), be deposited, by counsel for plaintiff, into an interest bearing escrow account<sup>of Davis Polk & Wardwell LLP</sup> at a bank located in the City of New York until such time as the Surrogate's Court of Kings County, New York authorizes the manner in which the proceeds of the within settlement should be allocated and distributed, in accordance with applicable law

ORDERED, that releases be held by counsel for plaintiff in escrow pending final allocation and distribution of the settlement proceeds by the Surrogate's Court.

ORDERED, that upon the final allocation and distribution of the settlement proceeds by the Surrogate's Court, the Amended Complaint shall be dismissed.

Dated: Brooklyn, New York  
March 9, 2012

s/Hon. Marilyn D. Go

Honorable Marilyn D. Go  
UNITED STATES MAGISTRATE JUDGE